



MUCKLESHOOT CULTURAL RESOURCES PROGRAM

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September 4, 2001

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: <u>KELT-405</u> RECEIPT DATE: SEP 13 2001
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Communications
Bonneville Power Administration, KC- 7
P.O. Box 12999
Portland, OR 97212

Dear Mr. Driessen,

The Muckleshoot Wildlife and Cultural Resources Programs appreciates the opportunity to comment on the "Kangley -Echo Lake Transmission Line Project, Draft Environmental Impact Statement" ("DEIS"). The proposed project may result in harm to resources that are value to the Muckleshoot Indian Tribe within the Cedar River Watershed, an especially important traditional cultural and treaty use area. In general, the DEIS fails to acknowledge or take into account the Tribe's present and historic interests in, and utilization of resources in the Watershed that may be adversely affected by the project. As we previously noted in our letter of 2-16-2001, reasonable alternatives outside the Watershed were not fully evaluated. The preferred DEIS Alternative may have the least impact on the environment of the four alternatives evaluated, but not necessarily the least impact, over the long term, of all the alternatives that should have been considered.

The Tribe's comments relating to wildlife, cultural resources, and vegetation management are discussed below. Potential effects on fisheries and water resources of importance to the Muckleshoot Tribe are not addressed here. The views of Muckleshoot Fisheries are not represented, nor does the Tribe waive the right to comment on issues or resources other than those specifically addressed here.

Alternatives development (Section .4 page 1-5)

The DEIS reference BP A "long range" studies looking 5-10 years into the future in order to develop the alternatives under discussion. (These studies, with completion or publication dates, should be cited and included in the literature References). The studies seem to address an extremely short-range time frame. Please explain why you consider this long range planning rather than an interim response to a perceived potential shortage, and how this project provides long-term solutions for the area.

Part of the rationale for the preferred alternative through the Watershed is that a ROW already exists there. It is logical to assume that within BPA's long range plans, the location of this additional ROW through the Watershed could lead to future additional ROW's, or "loading"

of the existing ROW's with taller transmission lines of greater capacity, or other additional construction simply because the infrastructure already exists. Such long term and cumulative effects must be considered in this document, especially considering public benefits of the ecological commitments Seattle has made for the Watershed.

Within a mid- to long range (10-25) years horizon please develop your discussion of the Canadian Entitlement, how BP A intends to address it, and how this project will provide a long-term solution.

ROW Clearing and Maintenance (Sections 2.1.1.4 and 2.1.5 pages 2-5, 2-11)

The ROW clearing and maintenance plans should be developed and disclosed in this document in order to evaluate adverse effects and mitigation of effects.

Access Roads (Section 2.1.15 page 2- 7)

The EIS states that "access road locations have not been defined". Access routes and required stream crossings should be identified in this document in order to evaluate potential adverse effects and mitigation of effects.

Summary of Impacts Table 2-2 page 2-19

This table should be modified to reflect the information reflected in MIT's comments, especially as regards Tribal usage of the Watershed and its resources, including the Land Use, Wildlife, Visual Resources, Cultural Resources, Health and Safety, etc).

Land Use: Section 3.4.9 page 3-12:

The City of Seattle and SPU acknowledge treaty rights and support traditional cultural activities of local Tribes in the Watershed, and are presently working to cooperatively identify and enhance such special uses. The statements in this Section should also acknowledge the Watershed as a special resource area utilized by tribal members, as is acknowledged in Section 3-13 on page 3-65. Other similarly affected sections include Visual Resources (3.11); Socio-economics (3.12) and Noise, Public Health, and Safety (3.14).

Visual Resources: Section 3.11:

Tribal members have used the area known as the Cedar River Watershed for generations specifically for its rich resources that have provided sustenance. The land was also used for religious and spiritual purposes as it continues to be today. The document overlooks the fact that there is use within the Watershed boundaries beyond recreation. Evaluation of visual resources, through the view of a Tribal member wishing to practice a sacred tradition, was not considered.

Section 3.8 and 4.7 Wildlife:

The Proposed Alternative, as well as the three other alternatives considered, have the potential to negatively impact deer and elk herds of importance to the Tribe. Specifically, the disruption of the existing ROW and creation of a new one could decrease the amount of forage available. As is mentioned in the document, there is a high potential for introduction of non-native species thorough ROW ground disturbance, which are toxic to deer and elk. The ROW maintenance schedule should be included within the document, and specific proposed methods of clearing unwanted vegetation should be discussed in the document.

The Muckleshoot Tribe has offered comments relating to potential mitigation, which are mentioned within the EIS. We are concerned, however, of the :lack of commitment to actually implement these measures, specifically planting of forbs and grasses as ungulate habitat within the ROW after construction. We request that BPA assist in funding the already ongoing deer and elk studies within the Watershed monitor those areas that are proposed to be cleared. Clarification and specificity regarding development and implementation of aggressive vegetation management programs on page 4-67 is needed. Noxious weed controls have already been defined within the "BP A Transmission System Vegetation Management Program". An explanation as to whether to the proposed program will follow existing recommendations, or whether a new management program is required. If new programs are needed, they should be disclosed in order to evaluate impacts.

Finally, we would like BP A to commit to minimize disturbance to deer and elk within the area by preventing construction during fawning and calving periods.

Section 3.9 and 4.8 Vegetation:

In the "Final Vegetation Technical Report" located within the Appendices, operation and maintenance impacts for all the alternatives are considered to 1x~ low despite the concern over colonization from non-native or noxious plant species. The report argues that the stated low-level impact is warranted because invasion could be mitigated. This is contrary to what we have experienced regarding invasive species, including scotch broom. It is very difficult to eradicate these species without the use of chemical sprays, which are prohibited within the Watershed boundaries. The commitment to mitigation may not be feasible without chemicals. The report also states the cumulative effects of the project would include "loss of forested area within CRW, additional road construction, and increased colonization of non-native plants" (Tech Report pg. 36), and that "the project has a potentially high impact for spreading noxious weeds" (4-64). Invasion of noxious weeds has been identified within the document, but we feel that adequate measures to prevent and a plan to deal with introduction of these species have not been seriously considered in sufficient detail. As we have stated in previous meetings with BPA, we are very concerned about the possibility of the ROW becoming invaded with these species and prohibiting the growth of forage for animals and plants that are sacred to Muckleshoot people.

The proposed removal of riparian vegetation to construct the corridor at stream crossings could potentially destroy medicines and plants important to the Tribe. This has not been evaluated. (See Section 4.7.2.6 page 4-47). We are requesting consultation on location of stream crossings and an opportunity to identify and possibly remove plants before construction or

vegetation removal begins. Assistance with salvage and potential enhancement of other suitable sites if required should be discussed as appropriate mitigation.

The Stable Tree Criteria is mentioned within the document, but not specifically and stated that it will be worked on more at a later time. The survey and number of trees that will be removed in all areas should have been defined within the document. Impacts on the availability of cover for deer and elk, as well as the stability of the trees left standing should have been addressed.

A suggested source of mitigation from the Muckleshoot Cultural Resources Program would be to cultivate and maintain huckleberry patches adjacent to the existing ROW and next to the chosen alternative if it is decided to move forward with this project. Many of the plants that traditionally supported native people's of the area, including huckleberries, were destroyed or do not exist within the Watershed because of past land use practices.

Sections 3.13 and 4.12 Cultural Resources:

The discussion on cultural resources is severely lacking in substance. The DEIS acknowledges that BPA is subject to Section 106 of the National Historic Preservation Act (NHPA) for this federal undertaking. (Section 5.4, page 5-5). Under the NHPA, the agency is responsible to identify archaeological, historic and traditional cultural resources that may be directly or indirectly adversely affected by a project; and determine appropriate strategies for mitigating adverse effects. Where the Muckleshoot Tribe has traditional use and interests within the area of potential effects for an undertaking, it must be consulted throughout the Section 106 process. The DEIS acknowledges that the project is an undertaking subject to NHPA, that cultural resources including traditional cultural properties (TCP's) have a high probability of being present and affected, and that surveys are required. However, it does not discuss the area of potential effect (APE) for the undertaking, which is an important step necessary to determine the proper scope of surveys. Audio, visual, and direct effects of ground disturbance including access roads, staging areas, borrow pits, are all factors to be taken into account when defining the APE.

The DEIS states that there is a high probability of encountering prehistoric and historic cultural resources within the project area (4-95), but the proposed action states that there is a low impact on cultural resources and contains the least number of culturally sensitive areas and no cultural resource sites within the ROW. (4-96). This document was printed before most cultural resources surveys or appropriate studies, including any TCP studies involving Tribal informants, were designed or undertaken or results made available for any of the project alternatives. The statement is made, however, that the impact to cultural resources will be low for the proposed action, based upon archival research. This is not sufficient "reasonable effort" to evidence NHPA compliance or support this conclusion. The studies must be undertaken prior to making any determination of presence, significance, eligibility, or appropriate mitigation strategies.

It is troubling that BPA is willing to make this statement well before surveys or TCP studies were completed considering that the proposed action is to effect 152 acres directly within the ROW, and over half older stands that may support cultural resources and culturally modified

trees. Nor does this acreage take into account areas of visual, audial, and indirect effects of the project, which extend the APE. In addition, the locations of access roads has yet to be determined, and will not be available until the FEIS is published. Cultural surveys must be completed for road corridors, for stream crossings, for substation and staging areas and borrow pits, with the Tribe consulted on the locations beforehand to identify and cultural concerns. We question whether in light of these omissions, the full environmental analysis including cultural and social impacts, can be completed.

We are pleased to see BPA's commitment to work with the Tribe and to avoid sensitive areas if the proposed project is built. Such commitments would be appropriately documented in an MOA evidencing the project NHPA compliance. We feel that to provide comments concerning protection of cultural resources would be premature, as most necessary surveys and studies, including ethnohistoric or TCP studies, have not yet been undertaken or their proper scope discussed by BPA with Cultural Resource Program staff.

Other Matters:

The expansion of Echo Lake Substation was not mentioned as being part of the transmission line proposal during scoping meetings with the Muckleshoot Tribe. We would like to recommend that the area for expansion, as well as all access roads, stream crossings, and proposed staging areas, be surveyed for cultural resources before construction.

The Tribe has made repeated requests for BPA assistance in obtaining timber cleared from the ROW, including a written request dated 2-16-01. Additionally, a copy of the timber cruise for the proposed project was requested, and was promised to the Tribe in a letter dated 3/8/01. At this time we have not received the requested information. Please forward these documents to myself as soon as possible.

In conclusion, this DEIS seems premature and insufficient in a number of subject areas, where locations of elements of the project are not yet established or management or mitigation plans are not in place so that environmental impacts cannot be properly analyzed. At this time, we recommend the "No Action Alternative" until such a time that we may fully evaluate all the necessary studies to determine the impact to the resources within the proposed project area. Until that time, we would like to continue consultation and propose a meeting within the next month. Please call me at your earliest convenience to schedule a time with the Culture Committee and staff.

Sincerely,



Melissa Calvert, Director
Muckleshoot Wildlife and Cultural Resources Programs